

August 14, 2002

FO:TP:SE:O YLT

TO : Directors, Field Operations

FROM : Executive Director, Trade Programs  
Office of Field Operations

SUBJECT: Public Law 107-210 and 484 Committee Tariff Changes for  
Tuna in HTSUSA 1604.14.10, 1604.14.20, and 1604.14.30

This message is to transmit changes to the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) enacted by Public Law 107-210 and the 484(f) Committee.

Section 3106 of Public Law 107-210 amended the description to 1604.14.20 by striking out "20 percent of the United States pack of canned tuna" and inserting "4.8 percent of apparent United States consumption of tuna in airtight containers". The subheading was redesignated as subheading 1604.14.22. The effective date of this change is August 6, 2002.

Section 3101 (b)(4)(A) provides that *"Tuna that is harvested by United States vessels or ATPDEA beneficiary country vessels, that is prepared or preserved in any manner, in a ATPDEA beneficiary country, in foil or other flexible airtight containers weighing with their contents not more than 6.8 kilograms each, and that is imported directly into the customs territory of the United States from an ATPDEA beneficiary country, shall enter the United States free of duty and free of any quantitative restrictions."*

The 484(f) Committee has approved the following statistical changes to the Harmonized Tariff Schedule of the United States Annotated (HTSUSA) to identify the products described above. These statistical changes are effective August 6, 2002 and will be reflected in the next electronic edition of the HTSUSA published by the U.S. International Trade Commission. Until the next printed edition is released, please ensure that the appropriate staff makes notations of these changes to their files.

Importers and brokers are reminded of their MOD ACT responsibility to enter the goods correctly and should review the information available at the time of entry summary to ensure it is sufficient to properly declare the correct statistical suffix and avoid unnecessary rejections or reverifications. Information on the requirements for duty free entry from eligible Andean Trade Promotion and Drug Eradication Act (ATPDEA) countries will be provided in subsequent messages.

**Tariff Item: Tuna**

**Tariff Provisions: 1604.14.10, 1604.14.22, and 1604.14.30**

The approved language of the new breakouts is as follows:

1604.14	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs (con): Fish, whole or in pieces, but not minced (con): Tunas, skipjack and bonito ( <u>Sarda</u> spp.): Tunas and skipjack: In airtight containers:	
1604.14.10	In oil.....	.....
10	In foil or other flexible containers weighing with their contents not more than 6.8 kg each .....	kg
90	Other .....	kg
	Not in oil	
1604.14.22	In containers weighing with their contents not over 7 kg each, and not the product of any insular possession of the United States, for an aggregate quantity entered in any calendar year not to exceed 4.8 percent of apparent United States consumption of tuna in airtight containers during the immediately preceding year, as reported by the National Marine Fisheries Service .....	.....

Albacore (Thunnas alalunga):

51	In foil or other flexible containers weighing with their contents not more than 6.8 kg each .....	kg
59	Other .....	kg

Other:

91	In foil or other flexible containers weighing with their contents not more than 6.8 kg each .....	kg
99	Other .....	kg

1604.14.30                      Other .....

Albacore (Thunnas alalunga):

51	In foil or other flexible containers weighing with their contents not more than 6.8 kg each .....	kg
59	Other .....	kg

Other:

91	In foil or other flexible containers weighing with their contents not more than 6.8 kg each .....	kg
99	Other .....	kg

Importers and filers should note that the tariff rate quota for tuna, in airtight containers, not in oil, for this year, has closed. Accordingly, all tuna, in airtight containers, not in oil, packaged in foil or other flexible containers weighing with their contents not more than 6.8 kg each, should be entered under 1604.14.3051 or 1604.14.3091, in accordance with the type of tuna. The Customs entry type code used should be 02.

The new HTSUSA numbers do not change the entry requirements for shipments of tuna. The National Marine Fisheries Certificate of Origin (NOAA Form 370) is still required for release.

Please pass to all Port Directors, Assistant Port Directors, Trade Operations, Import Specialists, Entry Specialists, Port Account Managers, importers, brokers and other users of the Harmonized Tariff Schedule of the United States Annotated (HTSUSA).

Questions regarding eligibility under ATPDEA should be directed to Richard Wallio, Trade Agreements Branch, at (202) 927-9704. Questions regarding this notice should be directed to Yvonne Tomenga, Other Government Agencies Branch, Trade Programs at (202) 927-0370.

/S/

Elizabeth G. Durant

cc: Executive Director, Field Operations  
Director, Client Representatives  
Director, National Commodity Specialist Division  
Director, National Analysis Specialist Division  
Chief, Account Management  
Chief, Broker Management  
Chief, Quota